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10/538,122	06/07/2005	Trevor Burbridge	36-1906	2009
23117 7590 03/18/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
YOUSSEF, ADEL Y				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,122

Applicant(s)

BURBRIDGE ET AL.

Examiner

ADEL YOUSSEF

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 17, 19, 21-26, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 17, 19, 21-26, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/17/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the arguments filed on 11/28/2007. This action is made **FINAL**.

Response to Arguments

2. Applicant's arguments have been fully considered, but are not in view of new grounds of rejection. Therefore, this action is made final.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 3, 5, 6, 9, 19, 21, 23, 24, 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (U.S. Patent No: 6327630) in view of Fenner et al. (Multicast Source Notification of Interest Protocol (MSNIP) INTERNET ARTICLE : 21 November 2001).

Regarding claim 1, Carroll et al. teach a method for co-ordinating a group of members, the group comprising a first member and one or more other members, each member being arranged to communicate with the other members of the group via a network, the

method comprising, at the first one of said group members monitoring at least one waiting channel for messages indicating that at least one of the one or more other members are joined to the waiting channel (Column 2, lines 27-35; Column 8, lines 30-45; and column 6, lines 40-58); the reference teaches monitoring time service (reads on waiting channel);-and, said waiting channel relating to an action or process to be performed;(Column 5, lines 40-55; Column7, lines 10-15, 35-42; Column 11, lines 35-45; and Column 8, lines 30-45; the reference teaches when the inputs empty (reads on members have left) see Figure 4, #23 so we will ask only the processes since all inputs are at time later then #23 waiting, messages. Figure 3 discloses when all inputs are non-empty, it will add new process; see Figure 3, Figure 4, #23 anti Figure 5) but fail to teach determining from said monitoring if all of the other members have left the waiting channel; and commencing said action or process in the event that it is determined as a result of said monitoring when the messages indicate that all of the other members have left the waiting channel, wherein said action or process to be performed comprises transmitting data onto one or more other channels. However Fenner et al. teach determining from said monitoring if all of the other members have left the waiting channel; and commencing said action or process in the event that it is determined as a result of said monitoring when the messages indicate that all of the other members have left the waiting channel, wherein said action or process to be performed comprises transmitting data onto one or more other channels (page 2, lines 2-9, page 3, lines 13-18, page 4, lines 20-26, page 14, see the state machine).Therefore, it would have been obvious to one of ordinary skills in the art at the

time of invention to modify the method of Carroll to include monitoring and transmitting data onto one or more other channels as taught by Fenner in order to provide the multicast group to which the mobile terminal, thereby improve high quality.

Regarding claim 3, Carroll et al. teach a method according to claim 1, but fail to teach wherein at least one of the one or more other channels is a multicast channel. However Fenner et al. teach wherein at least one of the one or more other channels is a multicast channel (page 1, lines 2-8, page 4, lines 1-5, page 6, lines 1-3). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include multicast channel as taught by Fenner in order to provide transport format combination thereby improve high quality.

Regarding claim 5, Carroll et al teach a method according to claim 1, but fail to teach wherein the action or process is to perform a predetermined task. However fenner et al. teach action or process is to perform a predetermined task (page 14, 1-8, see the table). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include process as taught by Fenner in order to carried out on a received multicast message thereby improve high quality.

Regarding claim 6, Carroll et al teach a method according to claim 1, but fail to teach wherein in the case of there being a plurality of other members the waiting channel is a multicast channel. However fenner et al. teach wherein in the case of there being a

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plurality of other members the waiting channel is a multicast channel (page 13, lines 1-7, page 16, lines 1-5, 10). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include multicast channel as taught by fenner in order to provide transport format combination thereby improve high quality.

Regarding claim 9, Carroll et al. further teach the method according to claim 1, and further comprising the announcing which channel is the waiting channel to the one or more other members (Column 3, lines 35-45; Column 5, lines 41-50; and column 6, lines 1-15; see Figures 2 and 3; the reference teaches the steps of the waiting channel and other members).

Regarding claim 19, Carroll et al. teach a device arranged to co-ordinate with one or more other devices, each device being arranged to communicate via a network, the device comprising:

channel monitoring means arranged in use to monitor at least one waiting channel for messages indicating that at least one of the one or more others of said devices are joined to the waiting channel, but fail to teach said waiting channel relating to an action or process to be performed and to determine from monitoring said waiting channel if all of the other members have left the waiting channel. However Beckmann teach waiting channel relating to an action or process to be performed and to determine from monitoring said waiting channel if all of the other members have left the waiting channel

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(paragraphs 41, 42, 43, 49). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include monitoring a multicast channel as taught by Beckmann in order to provide the multicast group to which the mobile terminal, thereby improve high quality.

And means for performing an action or process so arranged such that ~~when the messages~~ the event that it is determined as a result of monitoring performed by said channel monitoring means waiting channel that all of the other devices have left the waiting channel, the means ~~performs for performing an action or process commences~~ said action or process wherein the means for performing an action or process comprises data(see Column 3, lines 30-45; column 7, lines 10-20; Figure3; the reference teaches that every process in time order to send messages in time line). But fail teach transmission means arranged in use to transmit data onto on or more other channels. However Fenner et al. teach determining from said monitoring if all of the other members have left the waiting channel; and commencing said action or process in the event that it is determined as a result of said monitoring when the messages indicate that all of the other members have left the waiting channel, wherein said action or process to be performed comprises transmitting data onto one or more other channels (page 2, lines 2-9, page 3, lines 13-18, page 4, lines 20-26, page 14, see the state machine). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include monitoring and transmitting data onto one or more other channels as taught by fenner in order to provide the multicast group to which the mobile terminal, thereby improve high quality.

Regarding claim 21, Carroll et al. teach a device according to claim [[20]] 19, but fail to teach wherein at least one of the one or more other channels is a multicast channel. However Fenner et al. teach wherein at least one of the one or more other channels is a multicast channel (page 1, lines 2-8, page 4, lines 1-5, page 6, lines 1-3). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include multicast channel as taught by Fenner in order to provide transport format combination thereby improve high quality.

Regarding claim 23, Carroll et al. further teach the device according to claim 19, wherein the means for performing an action or process are further arranged in use to perform a predetermined task. However fenner et al. teach action or process is to perform a predetermined task (page 14, 1-8, see the table). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include process as taught by Fenner in order to carried out on a received multicast message thereby improve high quality.

Regarding claim 24, Carroll et al. teach a device according to claim 19, but fail to teach wherein in the case of there being a plurality of other devices and the waiting channel is being a multicast channel[[.]], said channel monitoring means is for monitoring such a multicast channel. However fenner et al. teach wherein in the case of there being a plurality of other devices and the waiting channel is being a multicast channel[[.]], said

channel monitoring means is for monitoring such a multicast channel. (page 14, page 7, lines 29-38). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of to include monitoring a multicast channel as taught by Beckmann in order to provide the multicast group to which the mobile terminal, thereby improve high quality.

Regarding claim 35, Carroll et al. teach a method of group co-ordination using a network, wherein members of a group other than a first member join at least one network channel designated as a waiting channel whilst performing an action or process, and then leave the waiting channel once the action or process has been performed, wherein the first member of the group ~~then perform~~ commences an action or process but fail to teach comprising transmitting data onto one or more channels other than said waiting channel. However Fenner et al. teach comprising transmitting data onto one or more channels other than said waiting channel (page 13, lines 1-7, page 16, lines 1-5, 10). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll to include multicast channel as taught by fenner in order to provide transport format combination thereby improve high quality.

4. Claims 4, 17, 22, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (U.S. Patent No: 6327630) in view of Fenner et al. (Multicast

Source Notification of Interest Protocol (MSNIP) INTERNET ARTICLE : 21
November 2001) in view of Cofann et al. (PGPUB-No: 2002/0059587).

Regarding claim 4, Carroll and Fenner don't teach a method according to claim 2, wherein the data is audio and/or video data. However Cofann et al. teach the data is audio and/or video data (paragraphs 27, 28, 34). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include audio and/or video data as taught by Cofann in order to provide audio/video communication channel thereby increase more customer.

Regarding claim 17, Carroll and Fenner don't teach a computer program or suite of programs so arranged such that when executed by a computer system the program or programs cause the computer system to operate according to the method of claim 1a computer-readable storage medium or media storing. However Cofann et al. teach a computer-readable storage medium or media storing (paragraph 25, 40, line 1). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include storage medium as taught by Cofann in order to provide personal services over a computer network thereby increase customer service.

Regarding claim 22, Carroll and Fenner doesn't teach a device according to claim [[20]]19, wherein the data is audio and/or video data. However Cofann et al. teach the data is audio and/or video data (paragraphs 27, 28, 34). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include audio and/or video data as taught by Cofann in order to provide audio/video communication channel thereby increase more customer.

Regarding claim 36, Carroll and Fenner doesn't teach method according to claim [[34]]35, wherein messages are sent to the first member on the waiting channel indicating whether or not any of the other members are joined to the waiting channel. However Cofann et al. teach messages are sent to the first member on the waiting channel indicating whether or not any of the other members are joined to the waiting channel (paragraphs 38, 75, 83, 98, see figure 7A) Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include members are joined to the waiting channel as taught by Cofann in order to provide a particular service provider; and monitoring the queue to connect the user to the service provider thereby increase customer service.

5. Claims 7, 8, 25, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll et al. (U.S. Patent No: 6327630) in view of Fenner et al. (Multicast Source Notification of Interest Protocol (MSNIP) INTERNET ARTICLE : 21 November 2001) in view of Briscoe et al. (PGPUB-No: 2002/0081995).

Regarding claim 7, Carroll and Fenner don't teach the method according to claim 1 the messages are generated by a network router. However, Briscoe et al. teach a network router that sends and receives messages (Page2, paragraph [0039]; see Figure 1, #3, #4, routers). Therefore, it would, have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include a network router as taught by Briscoe in order to responsible for replicating source content and forwarding it to multiple recipients. Routers use the PIM protocol to build "distribution trees" for multicast routing in the network. Routers replicate source content at any point where the network paths diverge, and use Reverse Path Forwarding (RPF) techniques to ensure content is forwarded to the appropriate downstream paths without routing loops. Routers improve more services for user.

Regarding claim 8, Carroll and Fenner don't teach the method according to claim 1 the messages are Multicast Source Notification of Interest Protocol (MSNIP) messages. Briscoe et al teach Multicast Source Notification of Interest Protocol (Page3, paragraph [0053]; see Figure 1, #3, #4, #7, #8 and #9). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and fenner to include the MSNIP as taught by Briscoe in order to use IP Multicast in a variety of different protocols so that it can be suitable to the different network environments, thereby increasing customer services.

Regarding claim 25, Carroll and Fenner don't teach a device according to claim 19, wherein the ~~messages are channel~~ monitoring means is arranged to monitor said at least one waiting channel for messages generated by a network router. However, Briscoe et al. teach a network router that sends and receives messages (Page 2, paragraph [0039]; see Figure 1, #3, #4, routers). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include a network router as taught by Briscoe in order to be responsible for replicating source content and forwarding it to multiple recipients. Routers use the PIM protocol to build "distribution trees" for multicast routing in the network. Routers replicate source content at any point where the network paths diverge, and use Reverse Path Forwarding (RPF) techniques to ensure content is forwarded to the appropriate downstream paths without routing loops. Routers improve more services for user.

Regarding claim 26, Carroll and Fenner don't teach a device according to claim 19, the messages are Multicast Source Notification of Interest Protocol (MSNIP) messages. Briscoe et al teach Multicast Source Notification of Interest Protocol (Page 3, paragraph [0053]; see Figure 1, #3, #4, #7, #8 and #9). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Carroll and Fenner to include the MSNIP as taught by Briscoe in order to use IP Multicast in a variety of different protocols so that it can be suitable to the different network environments, thereby increasing customer services.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. He et al (Patent No: US7149215) teach Receiver information is collected and aggregated into a respective record. Each respective record is indexed using an address associated with each multicast source system. The respective records are aggregated into a single message that is multicast to a group address. The group address includes each multicast source system such that each multicast source system receives the single message.

Lee et al (Patent No: US71707606) teach a multicast transmission of a front portion of the video, is initiated dynamically, in response to user's request. The initiated multicast

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transmissions are then merged with the pre-scheduled multicast transmission, to receive remaining portion of the video.

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to**:
Commissioner for patents
P.O.Box1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana Le can be reached on (571)272-7891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ADEL YOUSSEF

UNIT#2618

03/05/2008

/Lana N. Le/

Acting SPE of Art Unit 2618